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Western Regional Newsletter

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Immigration Law Reform Ushers In New Era for INS

A new era for the Immigration and Naturalization Service was ushered in November 6 when President Reagan signed into law the Immigration Reform and Control Act of 1986.

"Enactment of this bill has sent the message loud and clear worldwide that we intend to regain control of our borders," said INS Western Regional Commissioner Harold Ezell.

"By the same token," he added, "it will help us preserve our honored tradition of legal immigration."

Because of the expected crush of people seeking legalization, INS will enlist the aid of a record-setting number of volunteer groups to assist in the initial phase of the process. No applications for legalization will be accepted by legalization centers until May 5, 1987.

During the first six months since the reform legislation became law, INS will conduct an extensive information and education program through the media, employer associations, labor unions, community groups and other organizations to make the public aware of the various aspects of the bill.

Here's a glance at the major provisions of the new law:

Immigration Reform and Control Act of 1986

EMPLOYER SANCTIONS

– Makes it unlawful for any person to knowingly hire, recruit or refer for fee any alien not authorized to work in the United States.

– Requires employers to verify new hires who were either citizens or immigrants authorized to work in the United States by examining two documents: either a U.S. passport, a U.S. birth certificate or a Social Security card, and a driver's license, a state-issued identification card or an alien identification document. Each employer must attest in writing, under penalty of perjury that he has seen documentation. Employers could be fined for failing to keep verification records ranging from $100 to $1,000 per individual.

– Employers are not required to check the authenticity of the documents. Affirmative defense if employer reviews appropriate documentation in good faith.

– Provides for six-month education period, during which time no enforcement actions would be taken, and a subsequent one-year period when a warning citation would be issued for first offense.

– Establishes graduated civil penalty system beginning with first-offense fine of $250 to $2,000 per alien illegally hired. By third offense, fines would grow to $3,000 to $10,000 per alien. For "pattern and practice" of violations, employer could additionally be given six-month prison term and $3,000 fine.

– The bill says it does not authorize issuance or use of national identification cards but permits President to begin more secure verification procedure if Congress approves.

– The sanctions would remain in effect permanently unless the General Accounting Office, in a report to be issued three years after enactment, determines that they have resulted in job discrimination.

ANTI-DISCRIMINATION

– Creates special counsel in Justice Department to investigate and prosecute any charges of discrimination due to unlawful, immigration-related employment practice.

– Makes it illegal for employers to discriminate based on citizenship or alien status if alleged victim is U.S. citizen, permanent resident alien, refugee or newly legalized alien who has filed notice of intent to become U.S. citizen.

LEGALIZATION

– Provides temporary resident status for non-excludable aliens who have resided continuously in United States since before Jan. 1, 1982. Brief, casual, and innocent absences from the U.S. will not be considered breaks in continuous physical presence.

– Awards permanent resident status after 18 months if alien can show minimal understanding of English and knowledge of U.S. history and government, or is taking courses in those subjects.

– The illegal alien must be admissable as an immigrant, cannot have been convicted of a felony or three or more misdeameanors

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New El Centro BP Station Opens

It was a blustery, windy day, but opening of the new El Centro Border Patrol Station on September 24 was a big success. Shown above are El Centrol Chief Patrol Agent Dale Musegades, standing, welcoming visitors and Regional Commissioner Harold Ezell, center, and Ray Kisor, Associate Commissioner for Enforcement, Central Office. Patrol Agent in Charge Don Davis commands the 96-person station.

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EDITOR
Joe Flanders

WRITERS
John Belluardo
Joe Flanders

ADDRESS EDITORIAL CORRESPONDENCE TO:

INS
Western Regional Newsletter
Room 327

Terminal Island
San Pedro, CA 90731

FTS 795-6531
213 514-6531

REGIONAL EXECUTIVE STAFF

Harold W. Ezell, Regional Commissioner
(213) 514-6527, FTS 795-6527

Robert M. Moschorak
Associate Regional Commissioner, Operations
(213) 514-6527, FTS 795-6518

James J. O'Keefe
Associate Regional Commissioner, Management
(213) 514-6544, FTS 795-6544

William B. Odencrantz
Regional Counsel
(213) 514-6530, FTS 795-6530

John R. Belluardo, Director
Congressional & Public Affairs
(213) 514-6531, FTS 795-6531

William S. King
Director, Immigration Reform
(213) 514-6603, FTS 795-6603

Dayva C. Stewart
Executive Assistant
(213) 514-6527, FTS 795-6527

DISTRICT DIRECTORS

Ernest Gustafson
Los Angeles District Office
300 N. Los Angeles St.
Los Angeles, CA 90012
(213) 894-2780, FTS 798-2780

David N. Bichert
San Francisco District Office
(415) 556-5711, FTS 556-5711

Ruth Anne Myers
Phoenix District Office
Federal Building, 230 North First Ave.
Phoenix, AZ 85025
(602) 261-3122, FTS 261-3122

James B. Turnage, Jr.
San Diego District Office
880 Front St., San Diego, CA 92188
(619) 293-5654, FTS 895-5645

William W. Craig
Honolulu District Office
595 Ala Moana Blvd., Honolulu, HI 96809
(808) 546-8979

CHIEF PATROL AGENTS

Alan E. Eliason, San Diego Sector
3752 E. Beyer Blvd., San Diego 92073
(619) 428-7251, FTS 894-7251

Dale A. Musgrades, El Centro Sector
1111 N. Imperial Ave., El Centro 92243
(619) 352-3241, FTS 894-2441

Dale W. Comart, Yuma Sector
350 First St., Yuma, AZ 85364
(602) 783-8326, FTS 764-6587

Jerald D. Jondall, Tucson Sector
1970 West Ajo Way, Tucson, AZ 85713
(602) 629-6871, FTS 762-6871

Carl J. Rindinger, Livermore Sector
Building 312, Camp Parks,
Pleasanton, CA 94566
(415) 828-3770, FTS 536-7057

Regional Commissioner's Corner

Harold Ezell

By the time this issue of the newsletter is delivered, we will already be embarked on one of the most complex and ambitious programs in the history of the Service – implementation of the new immigration reform law.

It seemed doubtful over the past few years that we would ever have legislative reform, but in an unexpected burst of enterprise late this year, Congress reversed itself and hammered out a compromise.

Certainly there are parts of the new law that INS did not want, but the fact remains that we did get the major weapon we need to regain control of our borders – employer sanctions.

But we have dynamic leadership in Bill King, Director of Immigration Reform for the Western Region, and this coupled with solid planning and professionalism in the field will pay us great dividends on the road to success. We are greatly indebted, too, to the large group of volunteer organizations which are assisting us in processing a vast number of people.

I know that each one of you will expend the time, expertise and energy necessary to the successful completion of our implementation duties.

It is my personal belief that the Western Region – as it has in the past – will set an example for the rest of the Service to follow.

On an unrelated matter, it is that time of year again. The holidays are upon us. I want to take this opportunity to wish each and every one of you and your families best wishes. I would also like to express my appreciation for the fine work you did in helping us attain – and surpass, in some cases – our major goals this past year.

SANCTUARY/ASYLUM FACT SHEET

A.

	El Salvadorans Apprehended	El Salvadorans Returned
1985	17,066	4,740
1984	18,920	3,890
1983	16,637	4,801
1982	14,078	5,566
TOTAL	66,701	18,997

B. Only 28 percent of the El Salvadorans found illegally in the United States in the past four years have been returned to El Salvador. 72 percent are still in the United States using the legal system to contest their departure.

C. In Fiscal Year 1985, there were 74 El Salvadoran asylum applications approved by INS district directors, grantings asylum to 129 persons covered by those applications. There were 2,299 applications denied because the applicants did not meet the requirements of the law necessary for an asylum grant.

D. Denial of asylum by district directors does not mean the applicant is sent out of the country. Case is next heard in an administrative hearing by an immigration judge, whose decision can be appealed to the Board of Immigration Appeals, then to the Circuit Court of Appeals and the Supreme Court. The lengthy appeals process available to asylum applicants explains why such a small percentage of those El Salvadorans apprehended for illegal entry are removed.

E. No one is required to leave the county while an asylum application or an appeal is pending.

F. The United States is the most generous county in the world in accepting immigrants, refugees, and asylum seekers. In 1985 the U.S. allowed into this country 570,000 immigrants, 60,000 refugees and 6,500 asylees.

G. The Refugee Act of 1980 defines a refugee in Section 101(a) of the Immigration and Nationality Act as: "Any person who is outside any country of such person's nationality . . . and who is unable or unwilling to return to and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion."

H. The law grants sole authority to the Attorney General to grant asylum. Section 208(a) of the Refugee Act of 1980 states: "The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determined that such alien is a refugee within the meaning of section 101(a)." (As quoted above).

I. This discretionary authority of the Attorney General is delegated to the Immigration and Naturalization Service.

Jane Arellano

Ms. Arellano Named Assistant DD/Exams At Los Angeles DO

Jane E. Arellano is the new Assistant District Director for Examination at the Los Angeles District Office.

A native of Hammond, Ind., Ms. Arellano joined INS as an applications/naturalization clerk in the Hammond Office in 1967.

She later was an Immigration Inspector trainee at O'Hare Airport in Chicago and transferred to the San Ysidro Port of Entry as an Immigration Inspector in 1975.

She subsequently held posts in the Los Angeles District Office; was on the Examinations Staff at the Western Region; with her last assignment being a Supervisory Immigration Examiner in the Santa Ana satellite office.

Rounding the Region

Oscar Milans, subject of a recent feature in this newsletter, is a happy man with a lot of friends at the San Francisco District Office. Oscar, who suffers from multiple sclerosis, had saved $900 to repair his wheelchair. However, tragedy struck in the form of a male nurse who stole the money from his apartment. The fine men and women in the District Office didn't stand still; they passed the hat. In a tearful ceremony, they presented Oscar with their collection – $900.

****

Estela Stachowitz recently was presented a Special Achievement Award and a cash bonus by San Diego Deputy District Director, **Cliff Rogers** for her top-rate undercover work in a bribery case, leading to several arrests.

****

Regional Commissioner, **Harold Ezell**, in a letter of commendation, cited the entire inspections staff at the Nogales Port of Entry for meeting and exceeding enforcement-related priorities. "I believe that each of you can be justifiaby proud of your contributions," he said.

****

U.S. Customs recently cited San Francisco District Office-based Special Agent **Dante Ivani** for his "outstanding assistance" in a fraud ring case. After properly thanking Dante, District Director **David Ilchert** ordered the letter be included in his personal file.

****

Tip your hat to Special Agent **Floyd C. Voeltz** of the Phoenix District Office. He recently was given a certificate for accruing 1,000 hours of sick leave.

****

Five employees of the Florence Service Processing Center were recently presented time in service awards by **Manuel Cornejo**, Officer In Charge. They are IDO **Michael F. Lizarrage**, five years; SDDO **Joseph M. Garcia**, 15 years; IDO **Gary R. Chacon**, 10 years; and IDO **Henry L. Rodriguez**, five years.

****

Five inspectors at the Otay Mesa Port of Entry were recently presented outstanding service certificates by San Diego Deputy District Director **Cliff Rogers.** They are **Mary Salazar, Charles Jones, Victor Schloss, Chris Stanek** and **Jan Gale.**

****

Supervisory communications equipment operator **Edmund D. Bedard** was presented a Certificate of Appreciation upon his retirement September 30 at the Yuma Border Patrol Sector.

****

A number of Phoenix District Office employees recently were presented Quality Increase Awards. They are **Betty Lobrew, Deborah Zuniga, Estella Varela** and **Claudette Nadeau.**

****

It was awards day recently at the Las Vegas Sub-Office with Officer In Charge **Roy Hendricks** being presented an Outstanding Performance Certificate by District Director **Ruth Anne Myers.** Ms. Myers also presented other employees these awards: **Grace Sena,** 25-year service pin; **Kathleen Banos,** Special Achievement Award, and **Gloria Asmus,** Letter of Appreciation.

****

A host of Outstanding Performance Awards were recently presented at the Phoenix District Office. On the receiving end were **Michelle Smith, Dorothy Bussey, Lois Ball, Sally Coffin, Michelle Arballo, Meg Paige, Lolly Anderson, Gracie Lemos, R. S. Coffin, Scott Armstrong, Jim Jankowski** and **Mark Camgeni.** The awards were presented by District Director **Ruth Anne Myers.**

****

Three Livermore Sector Border Patrol agents recently received service pin awards. They are **Alan Dwelley,** Pilot **Alan Conroy** and **James O. McElmurry.**

****

Ten employees at the Yuma Border Patrol Sector recently received awards. Receiving Special Achievement Awards were **Lawrence Harlan, Rafael Leal, Amaro Munoz, Olga Pelayo, Cleo Smith** and **Harry F. Weber.** Service pins were presented to **Karen Clark, Jerry L. Jackson** and **Ralph B. Porter.**

Hispanic/Indian Culture Day

Patricia Alvarez, left, and Margie Mendoza, American Indian and Hispanic EEO program managers, respectively, are shown admiring Indian artifacts and crafts at the November 14 celebration of Hispanic/American Indian Awareness Day at the Western Regional Office. Included in the festivities was a luncheon of delicious Mexican food.

From 'Art' To 'Security'

She is blonde, petite, pretty and has a quick, but lingering smile. It all begs the question: How did someone like you wind up in a job like this?

But "security" seems to come naturally to Carla White, who is, in fact, the Western Regional security officer. And being in a normally male-oriented job doesn't faze her at all.

She readily admits that it was the "challenge" that attracted her the most. "There are so many opportunities... so many different things I can do, choosing and setting priorities for the benefit of the Service," she says.

Carla came to INS and the Western Region in June 1985 after a tenure with the Social Security Administration as a claims representative. While there she was also involved in fraud investigations and some security projects.

But, for this woman of many talents, her initial "security" training began in the most unlikeliest of places – a museum.

An accomplished artist, Carla and her husband, Leigh, were teaching at their alma mater, the University of Kansas, she, The History of Art, and he, English.

"A good bit of my work was in the museum and there were very sophisticated security measures such as voice-activated alarms," she said.

"We also had to plan detailed security during exhibitions, etc. I got a lot of training," she said.

A native of Oklahoma, Carla is also an accomplished water skier who has done a lot of competition aboard the skis. "I used to be pretty good at the slalom and other trick skiing – but not any more," she says, grinning.

But, back to the matter of security. "This was a very good change for me. I feel very comfortable here."

Carla White

Chaldu Retires After 30 Years

Robert M. Chaldu, Assistant District Director for Examinations, Honolulu, retired last August after more than 30 years of government service with INS. He was honored at a dinner party at the Pacific Beach Hotel by 70 employees and friends.

He was presented with Certificates of Appreciation from Commissioner Nelson and Regional Commissioner Ezell and received a miniature replica of the Statue of Liberty. He also received a special plaque from employees and friends. Hawaii's four Congressmen also sent congratulatory messages.

Bob first joined the Service in April 1955 as an Immigration Patrol Inspector trainee in El Paso, Texas. He then served with the Border Patrol in Chula Vista and Oceanside, California. In February 1962, he became an Immigration Inspector in Los Angeles where he later served as Immigration Examiner and Deportation Officer. In July 1976, he was assigned to the Western Regional Office as an Immigration Examiner where he remained until he transferred to Honolulu, Hawaii as Assistant District Director for Examinations in September 1983.

Criminal Aliens Will Be Deported Under New Program

In the first month of an intensified program to remove criminal aliens from the country, the Western Region deported a total of 343 aliens during October 1986.

"Our criminal alien removal program is off to a very productive start and we intend to pursue it with even greater vigor. This is one of the top priorities of interior enforcement," said Regional Commissioner Harold Ezell.

"Our detention and deportation officers and criminal investigators have done an excellent job in launching this vital program," Mr. Ezell added.

The new program was conceived in response to growing concern of local elected and law enforcement officials about the significant portion of crimes committed in their communities by illegal aliens.

INS investigators were assigned to monitor and place immigration holds on incarcerated aliens in state prisons and jails.

Plans call for full-time INS detention and deportation officers to be assigned to San Quentin State Prison and at the planned Otay Mesa State Facility.

It is estimated that there are 8,000 aliens among California's 50,000-inmate state prison population. It costs $136 million a year to incarcerate these aliens.

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Phoenix Award

Phoenix District Director Ruth Ann Myers, left, presents an outstanding performance award to legal technician, Elizabeth Black. Looking on is John Bartos, District Counsel.

Outstanding Awards Presented at Fresno

Shown above receiving Outstanding Awards from Livermore Sector Deputy Chief Glenn A. Smith are, from left to right, Alejandra Silvis, Keith Connelly, Carey James, Alan Conroy, Terry McCann, Jerry W. Landers, Louis Portillo, and Smith.

New Travel Regulations

The following includes significant changes in new travel regulations:

1. Removal of the $75 statutory ceiling on per diem and actual subsistence for official travel in the continental U.S. (CONUS).
2. Implementation of a lodgings-plus per diem reimbursement system with prescribed maximum rates by locality. Maximum per diem rates are comprised of a maximum rate for lodging plus a fixed allowance (either $25 or $33) for meals and incidental expenses (M&IE).
3. 410 U.S. cities have been assigned per diem maximum rates ranging from $55 to $126 per day with lodging rates ranging from $30 to $93 per day.
4. All other non-designated locations are reimbursed using a standard CONUS rate of $50 per day.
5. Per diem allowances are reduced for the day of departure, day of return, Government furnished meals, lodging with friends or relatives or other situations which decrease the cost of official travel.
6. Actual expense reimbursement may be authorized in lieu of the per diem allowance ONLY when official travel expenses are unusually high due to special or unusual circumstances, such as: special escort duties, undercover role playing, international or national sports events, national political conventions, natural disasters.
7. Actual expense reimbursement may be authorized up to 150% of the specified maximum per diem (Part 8, page 1-97).
8. Authority to approve actual expenses is limited to the Regional Commissioner and may not be redelegated.
9. Transportation and subsistence expenses may now be allowed, before or after the fact, when an employee interrupts a temporary duty assignment prior to its completion because of an incapacitating illness or injury or a personal emergency situation (Part 12, page 1-135).
10. Regional Commissioner may authorize or approve payment of subsistence and certain transportation expenses for threatened law enforcement or investigative employees and/or their immediate families – whose lives are in jeopardy as a result of assigned duties and who, as a protection measure, are moved to temporary living quarters at or away from the official station within or outside CONUS (Part 14, page 1-55). This authority may not be redelegated.
11. The maximum per diem allowance for relocation-related travel is the standard CONUS rate (Chapter 2).
12. All travelers are advised to become familiar with the provisions of the new regulations.)

Door Open

The door to lawful immigrants from Central America is not closed, as some groups would have you believe.

Between 1951 and 1985, some 359,072 Central Americans have immigrated to the United States (93,301 were El Salvadorans).

During the same 35-year span, a total of 12,991,200 immigrants came to the United States.

Criminal Aliens Deported

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Criminals from 10 different countries were among those deported, with Mexico leading the list. The others deported were from El Salvador, Colombia, Canada, Guatemala, Costa Rica, South Korea, Spain, Nigeria, and Japan.

All 343 aliens had completed their jail or prison terms. San Francisco led all cities with 112 prisoners. Other cities were: Los Angeles, 106; San Diego, 54; Florence, AZ., 31; Phoenix, 20; El Centro, 15, and Honolulu, 5.

Twenty-three percent of the convictions dealt with illegal narcotics trafficking. Burglary was the chief offense with a total of 117 convictions followed by drug trafficking, robbery, receiving stolen property, assault with a deadly weapon, attempted murder, and child molestation.

L to R (front): Douglas Rodney, BPA; LeRoy Tario, BPA; Eugene Shimerlda, BPA; James Heaton, BPA; Daniel Ornelas, BPA; Armando Martinez, BPA; (standing) Eldon McWhorter, BPA; Glen Payne, BPA; Joseph Mellia, BPA; Wayne Atwell, BPA; Ricardo Sanchez, BPA; Frank Smith, BPA; Alfredo Ceniceros, BPA; Dale Cozart, CPA; Steven Ewing, BPA; Victor Mish, BPA; Olga Pelayo, Clk-Typ; Joel Shaben, BPA; Roberta Cano, Clk-Typ.

Outstanding Awards Presented At Yuma Sector

L to R (front): John Burgmeier, BPA; Timothy Rhyne, BPA; Betty Smith, Clk-Typ; Walter Hummel, BPA; Paul Erickson, BPA; Brian Mallon, BPA; (standing) Bruce Krupp, BPA; Sidney Hooper, BPA; Henry Dillman, BPA; Maureen Huelsman, Adm-Asst; Dale Cozart, CPA; Martha Schwoerer, Sec-Steno; George Lee, BPA; James Aitken, BPA; Harold Nicholls, CEO.

Immigration Law Ushers In New Era

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in the United States, must not have assisted in persecution of others, and must register under Social Security system.

– For five years, they would be ineligible for welfare, food stamps and most other federal benefits except for emergency medical care, aid to aged, blind or disabled and cases of serious injury or safeguarding public health.

– Illegal aliens who fail to register for legalization within 18 months of the bill becoming law would lose that right and would be subject to deportation.

REIMBURSEMENT TO STATES

The federal government will set aside $1 billion a year for four years to reimburse state governments for providing public assistance, health care and education to illegal immigrants who gain legal status.

RESIDENT STATUS FOR FOREIGN WORKERS USED FOR PERISHABLE CROPS

– Illegal aliens who worked in American agriculture for at least 90 days in the period

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from May 1, 1985 to May 1, 1986, could become lawful temporary residents of the United States. After three years from time of enactment (includes 6-month legalization program start-up, application period and 2-year temporary residence) they could become lawful permanent residents, eligible for American citizenship after another five years.

– Illegal aliens who worked in agriculture for 90 days in each of the three previous years could become lawful permanent residents in only two years from time of enactment (include 6-month legalization program start-up, application period and a 1-year temporary residence).

– Once an illegal alien achieved temporary residency, he would not be restricted to agricultural work.

– Workers are disqualified for Aid to Families with Dependent Children welfare payments for five years.

– If there is a shortage of seasonal farm workers, the government could admit additional immigrants in the fiscal years of 1990 through 1993. They would have to work in agriculture and, after three years as temporary residents could become permanent residents.

SEARCH WARRANTS

Immigration officers will now be required to obtain a search warrant to enter a farm or the owner's permission in order to question workers believed to be illegal aliens. Previously, immigration agents needed warrants only to enter factories and other businesses.

SAVE PROGRAM MANDATED NATIONWIDE

– States generally would have to verify, through records of the Immigration and Naturalization Service, the legal status of immigrants seeking welfare benefits, Medicaid, unemployment compensation, food stamps, housing assistance or college aid under federal programs.

– States would be fully reimbursed for costs of verifying status of non-citizens applying for public assistance.

INCREASED ENFORCEMENT

– Provides two-year authorization for Immigration and Naturalization Service to carry out added responsibilities: $422 million additional in fiscal 1987 and additional $419 million in fiscal 1988.

– Border Patrol agents will be increased by at least 50 percent in Fiscal Year 1987 and Fiscal Year 1988 over Fiscal Year 1986.

– Provides supplemental appropriation for Wage and Hour enforcement.

Smugglers Expose Boy, 11 and Sister, 9, to Great Danger

by GEORGE HAINES
Supervisory Border Patrol Agent
El Centro Sector

(Editor's Note: George Haines used a tongue-in-cheek approach to graphically illustrate the dangers smugglers ignore in carrying human cargo.)

Where else but in this great land of ours, could a man like Rafael Valencia-Alvarez teach his son, Jose Maria Valencia-Nunez, the time honored family business. In this case, smuggling. Not narcotics, heavens no; these are honorable men. They would not sink to such despicable depths. Their contraband is only two small, defenseless children.

Abigail and Leonardo Alvarez-Nunez have been living with their sister, Gloria, somewhere in Mexicali, since their mother was murdered four years ago. Felipe Alvarez, the father, is living and working in Indio, California.

The children were smuggled into the United States by an unknown person. They were taken to a motel in Calexico that is often used by smugglers, waiting for loads to be made.

Arrangements were made by phone with Rafael and Jose Valencia to pick the children up in Calexico.

Abigail, 9, and Leonardo, 11, were locked into a small compartment under the hood of a 1973 Dodge Charger. The compartment was located in front of the engine and directly behind the grille. The intended destination was Indio, California. A distance of some ninety-eight miles.

Both children were dressed in light slacks. Abigail wore a light-weight warm-up jacket and Leonardo wore a zippered windbreaker. The compartment they were locked into was lined with pieces of carpet. This then was their only protection from the intense heat generated by the engine.

Highway 86, through the Imperial-Coachella Valley, is called the "Killer Highway" and the checkpoint where Abigail and Leonardo were discovered is located at the beginning of the deadliest portion of this road. Had it not been for the observations of two alert Border Patrol Agents, Abigail and Leonardo could, through a minor mishap, have been maimed or killed.

Rafael Valencia has been apprehended on three prior occasions transporting aliens and has served sixty days. His son, Jose Maria, fell for his first time and, due in part to his age, was not prosecuted.

Abigail and Leonardo Demonstrate Hiding Place.

Both the scout vehicle and load vehicle are registered to Rafael Valencia and both vehicles have been altered to allow one or two people to be hidden in this manner.

Florence Awards

Manuel R. Cornejo, OIC, Florence Processing Center, left, is shown presenting outstanding performance awards to Maria Bettac, secretary, and Paula Holmes, administrative aide.